

1 DANIEL G. BOGDEN
2 United States Attorney
3 District of Nevada
4 ROBERT A. KNIEF
5 Assistant United States Attorney
6 333 Las Vegas Boulevard South, Suite 5000
7 Las Vegas, Nevada 89101
8 702-388-6336

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)
9 Plaintiff,) Case No.: 2:15-cr-0100-JAD-GWF
10 vs.)) **GOVERNMENT RESPONSE TO**
11)) **DEFENSE MOTION TO RE-OPEN**
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13 Plaintiff United States of America, by and through DANIEL G. BOGDEN, United
14 States Attorney, and ROBERT A. KNIEF, Assistant United States Attorney, submits this
15 response to defendant's Motion to Re-open Bail. (#19). This response is timely filed.
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17 On April 10, 2015, defendant was detained by the Court at his initial appearance.
18 Defendant seeks to re-open that detention hearing based on the Court's comments regarding the
19 possibility of a third party custodian. While the hearing can be re-opened, it can only be re-
20 opened under specific circumstances.
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22 The hearing may be reopened, before or after a determination by
23 the judicial officer, at any time before trial if the judicial officer
24 finds that information exists that was not known to the movant at
the time of the hearing and that has a material bearing on the issue
whether there are conditions of release that will reasonably assure
the appearance of such person as required and the safety of any
other person and the community.

18 U.S.C. § 3142(f).

The possibility of a third-party custodian was known to defendant at the time of initial detention hearing. Defendant also knew of the existence of his proposed third-party custodian at the time of the initial detention hearing. There being no new information, defendant's request to re-open should be denied.

At the initial detention hearing, the Court also recognized the potential of placing defendant in a half-way house. However, at the time of the hearing no bed space was available. Should such bed space become available, a Motion to Re-Open would be based on new information and may be heard.

Based on the above, defendant's Motion to Re-Open should be denied.

DATED this 15th day of May, 2015.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Robert A. Knief

ROBERT A. KNIEF
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, ROBERT KNIEF, do hereby certify that on May 15, 2015 a copy of the attached
RESPONSE TO DEFENSE MOTION TO RE-OPEN was sent by electronic mail to the person
hereinafter named, at the place and address stated below, which is the last known address:

Addressee: Brenda Weksler, AFPD
Counsel for defendant COOK

/s/ Robert Knief

ROBERT KNIEF